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10/520,253	01/06/2005	Takashi Kawakami	260150US6PCT	2616

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EXAMINER	
DARNO, PATRICK A	

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/520,253	KAWAKAMI, TAKASHI	
	Examiner	Art Unit	
	Patrick A. Darno	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *07292006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 9-10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2004/0015713 issued to Miki Abe et al. (hereinafter "Abe") in further view of U.S. Patent Application Number 2002/0042777 issued to Tadao Yoshida et al. (hereinafter "Yoshida").

Claim 1:

Abe discloses a file transferring system for transferring content data recorded in a first recording medium to a second recording medium, comprising:

a recording and reproducing apparatus for recording data to the second recording medium and reproducing data from the second recording medium (Abe: paragraph [0174], lines 5-8 and Fig. 4, 20A & 20b and Fig. 6, 20A & 20B and Fig. 36, 20A & 20B);

a content data supplying unit for supplying content data (Abe: paragraph [0168], lines 1-10 and Fig. 4, 91 and Fig. 36, 91; The "content server" is the "content data supplying unit".);

a content data managing unit for outputting content data supplied from the content data supplying unit to the recording and reproducing apparatus (Abe: paragraph [0002], lines 1-6 and paragraph [0168], lines 1-10 and Fig. 4, 1 and Fig. 6, 1 and Fig. 36, 1; The "Primary-Recording Medium Apparatus" is the "content data managing unit".),

wherein the content data managing unit has:

recording means for correlating content data supplied from the content data supplying unit with a content identifier unique to each of content data and recording the correlated content data and content identifier to the first recording medium (Abe: paragraph [0052], lines 4-8; Note specifically that the first content identifier is "unique to the content data". Furthermore, note that the controlling means of the primary recording device (first recording medium) "stores" (records) content data and the content identifier.);

transfer management information updating means for updating transfer managing information with which content data that are recorded to the second recording medium are managed (Abe; paragraph [0053] and paragraph [0054]; Note especially paragraph [0054], lines 6-8), the content data being supplied so that the content identifier and an additional identifier are correlated (Abe: paragraph [0052], lines 15-18; Note specifically that the content identifier is associated (correlated) with a second identifier.); and

controlling means for receiving an identifier (Abe: paragraph [0055], lines 16-20; Since the reference clearly shows an "identifier-transmission means for controlling" the transmission of identifiers, it surely must disclose a means of receiving the transmitted identifier.), data of the second recording medium being reproduced by the

recording and reproducing apparatus (Abe: paragraph [0174], lines 5-8), and for controlling content data transferred to the recording and reproducing so that the content data recorded in the first recording medium is recorded to the second recording medium (Abe: paragraph [0002], lines 1-6).

Abe does not explicitly disclose wherein one of the identifiers is a recording medium identifier unique to each second recording medium. However, Yoshida discloses wherein one of the identifiers is a recording medium identifier unique to each second recording medium (Yoshida: paragraph [0015], lines 12-14 and paragraph [0127]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abe with the teachings of Yoshida noted above for the purpose of a recording medium identifier. The skilled artisan would have been motivated to improve the teachings of Abe noted above such that there would be some manner to differentiate between different computer readable mediums (Yoshida: paragraph [0196]).

Claim 2:

The combination of Abe and Yoshida discloses all the elements of claim 1, as noted above, and Abe further discloses wherein the content data recorded in the first recording medium are managed so that the number of permissible copy times of each of the content data that are copied to other recording mediums is restricted (Abe: paragraph [0203], lines 1-6), and

wherein when the content data are transferred from the first recording medium to the second recording medium, the number of permissible copy times is decremented (Abe: paragraph [0203], lines 7-10).

Claim 3:

The combination of Abe and Yoshida discloses all the elements of claim 1, as noted above, and Abe further discloses wherein the second recording medium to and from which data is recorded and reproduced by the recording and reproducing apparatus is loadable and unloadable thereto and therefrom (Abe: paragraph [0202]; When the content is 'checked-out' to a secondary recording medium, the content is loaded onto the secondary medium. When the content is 'checked-in' from the secondary recording medium to the primary recording medium, the content is unloaded, or removed, from the secondary recording medium.).

Claim 9:

Abe discloses a file transferring method for transferring content data recorded in a first recording medium to a second recording medium, comprising the steps of:

correlating content data supplied from a content data supplying unit with a content identifier unique to each of content data and recording the correlated content data and content identifier to the first recording medium (Abe: paragraph [0052], lines 4-8; Note specifically that the first content identifier is "unique to the content data". Furthermore, note that the controlling means of the primary recording device (first recording medium) "stores" (records) content data and the content identifier.));

updating transfer managing information with which content data that are recorded to the second recording medium are managed (Abe; paragraph [0053] and paragraph [0054]; Note especially paragraph [0054], lines 6-8), the content data being supplied so that the content data identifier and an additional identifier are correlated (Abe: paragraph [0052], lines 15-18; Note specifically that the content identifier is associated (correlated) with a second identifier.); and

controlling content data transferred to a recording and reproducing apparatus so that the content data recorded in the first recording medium is recorded to the second recording medium (Abe: paragraph [0002], lines 1-6).

Abe does not explicitly disclose wherein one of the identifiers is a recording medium identifier unique to each second recording medium; and wherein the data transfer between a first recording medium and a second recording medium is in accordance with the recording medium identifier of the second recording medium and the transfer management information that are received.

However, Yoshida discloses wherein one of the identifiers is a recording medium identifier unique to each second recording medium (Yoshida: paragraph [0015], lines 12-14 and paragraph [0127]); and wherein the data transfer between a first recording medium and a second recording medium is in accordance with the recording medium identifier of the second recording medium and the transfer management information that are received (Yoshida: paragraphs [0337] and [0338]; These references clearly show that prepaid information or 'transfer information' contains all necessary information in order to permit a specific transfer. This information includes the IDs of

the recording mediums. How exactly this is done is a lengthy process and is explained thoroughly from paragraph [0262] – paragraph [0336]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abe with the teachings of Yoshida noted above for the purpose of a recording medium identifier. The skilled artisan would have been motivated to improve the teachings of Abe noted above such that there would be some manner to differentiate between different computer readable mediums (Yoshida: paragraph [0196]).

Claim 10:

The combination of Abe and Yoshida discloses all the elements of claim 9, as noted above, and Abe further discloses,

wherein the content data recorded in the first recording medium are managed so that the number of permissible copy times of each of the content data that are copied to other recording mediums is restricted (Abe: paragraph [0203], lines 1-6), and

wherein when content data are transferred from the first recording medium to the second recording medium, the number of permissible copy times is decremented (Abe: paragraph [0203], lines 7-10).

Claim 12:

The combination of Abe and Yoshida discloses all the elements of claim 9, as noted above, and Abe further discloses wherein the second recording medium is loadable and unloadable to and from the recording and reproducing apparatus for recording and reproducing data to and from the second recording medium

(Abe: paragraph [0202]; When the content is 'checked-out' to a secondary recording medium, the content is loaded onto the secondary medium. When the content is 'checked-in' from the secondary recording medium to the primary recording medium, the content is unloaded, or removed, from the secondary recording medium.).

3. Claims 4, 6, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Yoshida and further in view of U.S. Patent Application Publication Number 2001/0047419 issued to Yoshihisa Gonno et al. (hereinafter "Gonno").

Claim 4:

The combination of Abe and Yoshida discloses all the elements of claim 1, as noted above, and Abe further discloses

wherein the transfer management information updating means is configured to correlate content data supplied from the content data supplying unit with the an identifier (Abe: paragraph [0052], lines 15-18; Note specifically that the content identifier is associated (correlated) with a second identifier.) to which the content data are transferred and update the transfer management information (Abe; paragraph [0053] and paragraph [0054]; Note especially paragraph [0054], lines 6-8).

Abe does not explicitly disclose wherein one of the identifiers is a recording medium identifier unique to each second recording medium. However, Yoshida discloses wherein one of the identifiers is a recording medium identifier unique to each second recording medium (Yoshida: paragraph [0015], lines 12-14 and paragraph [0127]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abe with the teachings of Yoshida noted above for the purpose of a recording medium identifier. The skilled artisan would have been motivated to improve the teachings of Abe noted above such that there would be some manner to differentiate between different computer readable mediums (Yoshida: paragraph [0196]).

The combination of Abe and Yoshida does not explicitly disclose wherein the transfer management information contains transfer reservation information, and updating the transfer reservation information. However, Gonno discloses wherein the transfer management information contains transfer reservation information (Gonno: paragraph [0029], lines 6-10), and updating the transfer reservation information (Gonno: paragraph [0031], lines 9-12 and paragraph [0068], lines 3-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Gonno noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the updating of distribution, delivery, or transfer information would result in data synchronization between a resource reserving client and a master database (Gonno: paragraph [0031], lines 9-12).

Claim 6:

The combination of Abe and Yoshida discloses all the elements of claim 1, as noted above, and Yoshida further discloses wherein the content data has not

been recorded and whose recording medium identifier has not been registered in the transfer management information (Yoshida: paragraph [0222] - paragraph [0223], line 4; Note that the content couldn't have been recorded if it wasn't purchased yet.).

The previously mentioned combination does not explicitly disclose wherein the transfer management information updating means is configured to reserve the transfer of content data to the second recording medium. However, Gonno discloses wherein the transfer management information updating means is configured to reserve the transfer of content data to the second recording medium (Gonno: paragraph [0029], lines 6-10 and paragraph [0031], lines 9-12 and paragraph [0068], lines 3-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Gonno noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the updating of distribution, delivery, or transfer information would result in data synchronization between a resource reserving client and a master database (Gonno: paragraph [0031], lines 9-12).

Claim 11:

The combination of Abe and Yoshida discloses all the elements of claim 9, as noted above, and Abe further discloses,

wherein content data supplied from the content data supplying unit are correlated with an identifier (Abe: paragraph [0052], lines 15-18; Note specifically that the content identifier is associated (correlated) with a second identifier.) to which the content

data are transferred and the transfer management information is updated (Abe; paragraph [0053] and paragraph [0054]; Note especially paragraph [0054], lines 6-8).

Abe does not explicitly disclose wherein one of the identifiers is a recording medium identifier unique to each second recording medium. However, Yoshida discloses wherein one of the identifiers is a recording medium identifier unique to each second recording medium (Yoshida: paragraph [0015], lines 12-14 and paragraph [0127]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abe with the teachings of Yoshida noted above for the purpose of a recording medium identifier. The skilled artisan would have been motivated to improve the teachings of Abe noted above such that there would be some manner to differentiate between different computer readable mediums (Yoshida: paragraph [0196]).

The combination of Abe and Yoshida does not explicitly disclose wherein the transfer management information contains transfer reservation information, and updating the transfer reservation information. However, Gonno discloses wherein the transfer management information contains transfer reservation information (Gonno: paragraph [0029], lines 6-10), and updating the transfer reservation information (Gonno: paragraph [0031], lines 9-12 and paragraph [0068], lines 3-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Gonno noted above. The skilled artisan would have been motivated

to improve the previously mentioned combination per the above such that the updating of distribution, delivery, or transfer information would result in data synchronization between a resource reserving client and a master database (Gonno: paragraph [0031], lines 9-12).

Claim 14:

Claim 14 is rejected under the same reasons set forth in the rejection of claim 6.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Yoshida and further in view of U.S. Patent Application Publication Number 2003/0031319 issued to Takafumi Hosoi et al. (hereinafter "Hosoi").

Claim 5:

The combination of Abe and Yoshida discloses all the elements of claim 1, as noted above, and Abe further discloses wherein each of the recording and reproducing apparatus and the content data managing unit has communicating means for communicating with each other (Abe: paragraph [0355]; Note specifically the communication unit.).

The previously mentioned combination does not explicitly disclose when it has been determined that the recording and reproducing apparatus and the content data managing unit are connected by the communicating means, the content data are transferred.

However, Hosoi discloses when it has been determined that the recording and reproducing apparatus and the content data managing unit are connected by

the communication means, the content data are transferred (Hosoi: paragraph [0166], lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Hosoi noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that content data could only be transferred between two devices when the two devices are connected to each other (Hosoi: paragraph [0166], lines 1-4).

5. Claims 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Yoshida and further in view of U.S. Patent Application Publication Number 2002/0126999 issued to Masayoshi Shimamoto et al (hereinafter "Shimamoto").

Claim 7:

The combination of Abe and Yoshida discloses all the elements of claim 1, as noted above, and Yoshida further discloses wherein the transfer management information contains recordable capacity information of the second recording medium (Yoshida: see at least paragraphs [0246] and [0263]).

wherein when the transfer of content data from the first recording medium to the second recording medium is reserved, the recording capacitance of the reserved content data is compared with the recordable capacitance of the second recording medium managed in accordance with the transfer management information (Yoshida: paragraph [0270], lines 4-9 and paragraphs [0271] through at least [0278]).

The combination of Abe and Yoshida does not explicitly disclose wherein if the recordable capacitance of the second recording medium is insufficient, a reservation for which the content data is deleted from the second recording medium is performed so as to increase the recordable capacity of the second recording medium.

However, Shimamoto discloses wherein if the recordable capacitance of the second recording medium is insufficient, a reservation for which the content data is deleted from the second recording medium is performed so as to increase the recordable capacity of the second recording medium (Shimamoto: paragraph [0107] – paragraph [0109], line 12; Note specifically that content information is deleted or erased in order to free up space for new content data.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Shimamoto noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that as user would have the capability of deleting data in order to create more 'free space' for additional data (Shimamoto: paragraph [0109], lines 4-6).

Claim 8:

The combination of Abe, Yoshida, and Shimamoto discloses all the elements of claim 7, as noted above, and Abe further discloses,

wherein the content data recorded in the first recording medium is managed so that the number of permissible copy times of each of content data

that are copied to other recording mediums is restricted (Abe: paragraph [0203], lines 1-6), and

wherein when content data transferred from the first recording medium are deleted, the number of permissible copy times is incremented (Abe: paragraph [0203], lines 7-10; Incrementing or decrementing a counter based on a given situation arising is very basic and well known in the art.).

Claim 15:

Claim 15 is rejected under the same reasons set forth in the rejection of claim 7.

Claim 16:

Claim 16 is rejected under the same reasons set forth in the rejection of claim 8.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe in view of Yoshida and further in view of U.S. Patent Application Publication Number 2004/0141083 issued to Toru Takashima (hereinafter "Takashima").

Claim 13:

The combination of Abe and Yoshida discloses all the elements of claim 9, as noted above, but the previously mentioned combination does not explicitly disclose wherein when the second recording medium is recognized by the recording and reproducing apparatus, the file is transferred.

However, Takashima discloses wherein when the second recording medium is recognized by the recording and reproducing apparatus, the file is transferred (Takashima: paragraphs [0059] and [0060]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Takashima noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that transfer of data would begin immediately upon the detection or recognition of the secondary device (Takashima: paragraph [0060]).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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